

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6448 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgement?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

PARAMBEN JIVABHAI

Appearance:

Mr.Umesh Trivedi, learned AGP for Petitioners
MRS DT SHAH for Respondent No. 1

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 20/04/2001

ORAL JUDGEMENT

This Special Civil Application is directed
against the order Annexure.B passed by the Labour Court,
at Rajkot, in Reference No.LCR 450 of 1985 dated 3rd
Sept.1986. Against this award passed on 3rd Sept.1986,

the present Special Civil Application was filed in the year 1991 i.e. after a period of nearly five years. Notice was issued on 11th Sept.1991 and the ad-interim order staying the operation of the award regarding the backwages was passed. Rule was then issued on 14th Oct.1991 on which date the order to the following effect was passed:

"Rule to be heard with Spl.C.A.No.6443/91.
Interim relief refused. The petitioner will deposit the amount of backwages as awarded in the Labour Court within four weeks from today. Liberty reserved to the respondent to withdraw the same when deposited."

The respondent is thus in service upto now since 1981.

2. The basic facts of this case are identical to the connected matter i.e. Special Civil Application No. 6443 of 1991 decided right today.

3. I have gone through the award dated 3rd Sept.1986. I find that the impugned award dated 3.9.86 passed by the Labour Court, Rajkot does not suffer from any error of fact or law apparent on the face of the record and does not warrant any interference under Articles 226 & 227 of the Constitution of India. The respondent was working as a gardener in the Social Forestation Scheme for about three years when he was terminated on 15.7.84 and she has admittedly worked in the years 1981-82, 82-83, 83-84 and 84-85 for 46, 154.5, 175.5 and 93 days respectively.

4. For the reasons stated in the order passed in the connected petition, i.e. Special Civil Application No.6443 of 1991 decided today i.e. 20.4.2001 by a detailed order, no case is made out for interference even on the ground that the establishment of the petitioner no.2 cannot be treated as an industrial establishment. There is no merit in this Special Civil Application and the same is hereby rejected. Rule is discharged. No order as to costs.

20th April 2001 (M.R. Calla, J.)

Sreeram.